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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,233	01/11/2002	Mamoru Kitamura	215220	8960
23460	7590	10/06/2003	EXAMINER	
LEYDIG VOIT & MAYER, LTD TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780			SINGH, ARTI R	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,233	KITAMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ms. Arti Singh	1771	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                 | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____   |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____                                     |

### DETAILED ACTION

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Independent claim 1 recites physical properties of an fabric possessing an air permeability under a differential pressure of 50 kPa is 2.5 L/cm<sup>2</sup>/min. or less, and air permeability index (50 kPa) calculated by the formula (1) is 1.2 or more. Air permeability index (50 kPa)=(Log(Q(55 kPa))-Log(Q(45 kPa)))/(Log 55-Log 45) (1)Q(55 kPa): air permeability under 55 kPa differential pressure (1 /cm<sup>2</sup>/min.) Q(45 kPa): air permeability under 45 kPa differential pressure (1/cm<sup>2</sup>/min.) Claims merely setting forth physical characteristics desired in an article and not setting forth specific compositions which would meet such characteristics, are invalid as vague, indefinite and functional since they cover any conceivable combination of ingredients either presently existing or which might be discovered in the future and which would impart the desired characteristics. Note *Ex Parte Slob*, 157 USPQ 172. Thus, claims 1-13 are deemed to be indefinite for reciting only the desired physical properties of the coated fabric, rather than setting forth any structural and/or chemical characteristic of airbag.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over USPN 6135161 issued to Nakano et al. Nakani et al disclose a method for making a fabric comprising fibers woven in a high density and to a fabric obtained therefrom. A fabric with fibers woven in a high density is called a high density fabric. A high density fabric is used, for example, as a base cloth for an uncoated air bags installed in motor vehicles. The high density fabric used as the base cloth of uncoated air bags is required to have a low air permeability (column 1, lines 5-15). The

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method for producing a fabric of the present invention comprises using a loom having a warp supply mechanism, weft supply mechanism, weaving mechanism and fabric take-up mechanism wherein a shedding motion of a heald in the weaving mechanism is performed by a driving mechanism having a cam and a dwell angle of the shedding motion is selected in a range from 85 degrees to 120 degrees, and further comprises the steps of supplying a desired number of inlaid synthetic filament yarns as warp yarns from the warp supplying mechanism to the weaving mechanism, picking synthetic filament yarns as weft yarns from the weft supply mechanism in response to the shedding motion, weaving the warp yarns and the weft yarns, and taking up a woven fabric by the fabric take-up mechanism. It is preferable that the dwell angle is in a range from 90 degrees to 115 degrees. A more preferable is in a range from 95 degrees to 110 degrees. It is preferable that a back roller of the loom is equipped with a positive easing mechanism. It is preferable that an easing quantity of the easing mechanism is selected in a range from about 5 mm to about 15 mm. A more preferable is in a range from about 7 mm to about 13 mm. Among the warp yarns, those located at the selvages of a fabric are called selvage yarns, and the warp yarns further added to the selvage yarns are called insert yarns. It is preferable that the number of insert yarns per 10 selvage yarns is in a range from 1 to 10, and that one selvage yarn and one insert yarn are guided through each dent of the reed. It is preferable that the synthetic filament yarns are synthetic polyarnide or polyester filament yarns. It is preferable that the width of the woven fabric is not less than about 150 cm. It is preferable that the loom is a water jet loom, air jet loom or rapier loom. Where a water jet loom or air jet loom is used, it is preferable that the rotating speed of the crankshaft to drive the reed of the loom is not less than about 400 rpm. Where a rapier loom is used, it is preferable that the rotating speed of the crankshaft to drive the reed of the loom is not less than about 100 rpm. It is preferable that the weaving conditions

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are selected to weave a fabric having an air permeability of not more than about 1.0 cc/cm.sup.2 /sec. The air permeability is measured according to the 6.27.1A method in JIS L 1096. It is preferable that the warp yarns and the weft yarns are of in a range from about 100 to about 1,000 deniers per yarn respectively, and that the weaving conditions are selected to achieve a total cover factor CF of the woven fabric of not less than about 2,100. It is preferable that the weaving conditions are selected to keep a ratio CF2/CF1 of a weft cover factor to a warp cover factor in a range from 0.9 to 1 (column 2-4). It should be noted that the method claims do not recite positive method steps and have thus been treated as the same. If the claims are amended, where Applicant actually puts in step limitations, a restriction will be put forth.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Arti Singh whose telephone number is 703-305-0291. The examiner can normally be reached on M-F 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Ars

Ms. Arti Singh  
Patent Examiner  
Art Unit 1771